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*Hon. E. C. Asherton*

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# RULES

OF THE

SENATE OF THE UNITED STATES.

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1852

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# RULES

FOR

## CONDUCTING BUSINESS

IN THE

SENATE OF THE UNITED STATES.

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# RULES FOR CONDUCTING BUSINESS

IN THE

## SENATE OF THE UNITED STATES.

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1. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries. [1]

2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in any debate. [2]

3. Every member, when he speaks, shall address the Chair, standing in his place; and, when he has finished, shall sit down. [3]

4. No member shall speak more than twice, in any one debate, on the same day, without leave of the Senate. [4]

5. When two members rise at the same time, the President shall name the person to speak; but in all cases the member who shall first rise and address the Chair shall speak first. [5]

6. When a member shall be called to order by the President, or a senator, he shall sit down; and every [6]

question of order shall be decided by the President, without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.

7] 7. If the member be called to order by a senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better able to judge of the matter.

8] 8. No member shall absent himself from the service of the Senate without leave of the Senate first obtained. And, in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the sergeant-at-arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

9] 9. No motion shall be debated until the same shall be seconded.

10] 10. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read, before the same shall be debated; and any motion may be withdrawn by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a

motion to reconsider, which shall not be withdrawn without leave of the Senate.

11. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate. [11]

12. If the question in debate contain several points, any member may have the same divided; but, on a motion to strike out and insert, it shall not be in order to move for a division of the question: but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion, simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert. [12]

13. In filling up blanks, the largest sum and longest time shall be first put. [13]

14. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate. [14]

15. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special orders of the day. [15]

16. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reason he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays, [16]

and upon the call of the house, the names of the members shall be taken alphabetically.

- 17] 17. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

- 18] 18. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and, during the discussion of such motion, the doors shall remain shut.

- 19] 19. No motion shall be deemed in order, to admit any person or persons whatsoever within the doors of the Senate chamber to present any petition, memorial, or address, or to hear any such read.

- 20] 20. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

- 21] 21. When the Senate are equally divided, the Secretary shall take the decision of the President.

- 22] 22. All questions shall be put by the President of the Senate, either in the presence or absence of the President

of the United States; and the senators shall signify their assent or dissent, by answering ay or no.

23. The Vice President, or President of the Senate *pro tempore*, shall have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment. [23]

24. After the journal is read, the President shall first call for petitions, and then for reports from standing committees; and every petition or memorial or other paper shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition, memorial, or other paper, is presented. And before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer. [24]

25. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill; and all bills reported by a committee, shall, after the first reading, be printed for the use of the Senate: but no other paper or document shall be printed for the use of the Senate, without special order. [25]

26. Every bill shall receive three readings previous to its being passed, and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise. And all resolutions proposing amendments to the constitution, or to which the approbation and signature of the President may be requi- [26]



site, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Senate, in a similar manner with bills; and all other resolutions shall lie on the table one day for consideration, and also reports of committees. A motion to suspend, or to concur in a resolution of the House to suspend the 16th and 17th joint rules, or either of them, shall always be in order, be immediately considered, and be decided without debate.

27] 27. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

28] 28. All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in committee of the whole, before they shall be taken up and proceeded on by the Senate agreeably to the standing rules, unless otherwise ordered. And when the Senate shall consider a treaty, bill, or resolution, as in committee of the whole, the Vice President, or President *pro tempore*, may call a member to fill the chair, during the time the Senate shall remain in committee of the whole: and the chairman so called shall, during such time, have the powers of a President *pro tempore*.

29] 29. The final question, upon the second reading of every bill, resolution, constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion at a third reading of any bill, resolution, amendment, or motion, unless by unani-

mous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be again put.

30. No amendment, proposing additional appropriations, shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act, or resolution previously passed by the Senate, during that session, or moved by direction of a Standing Committee of the Senate, or in pursuance of an estimate [30] from the Head of some of the Departments; and no amendment shall be received, whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate.

31. The special orders of the day shall not be called by the Chair before one o'clock, unless otherwise directed [31] by the Senate.

32. The titles of bills, and such parts thereof only, as shall be affected by proposed amendments, shall be inserted [32] on the journals.

33. The proceedings of the Senate, when not acting as in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true [33] and accurate account of the proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial, or

paper, presented to the Senate, shall also be inserted on the journal.

- 34] 34. The following standing committees, to consist of five members each, shall be appointed at the commencement of each session, with leave to report by bill or otherwise:

A Committee on Foreign Relations.

A Committee on Finance.

A Committee on Commerce.

A Committee on Manufactures.

A Committee on Agriculture.

A Committee on Military Affairs.

A Committee on the Militia.

A Committee on Naval Affairs.

A Committee on Public Lands.

A Committee on Private Land Claims.

A Committee on Indian Affairs.

A Committee of Claims.

A Committee on Revolutionary Claims.

A Committee on the Judiciary.

A Committee on the Post Office and Post Roads.

A Committee on Roads and Canals.

A Committee on Pensions.

A Committee on the District of Columbia.

A Committee on Patents and the Patent Office.

A Committee on Retrenchment, to consist of five members, whose duty it shall be to take into consideration the expenditures of the government in the several departments thereof, and to inquire whether any, and if any, what retrenchment can be made, without injury to the public service; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

A Committee on Territories, to consist of five members.

A Committee of three members, whose duty it shall be to audit and control the contingent expenses of the Senate.

A Committee on Public Buildings, to consist of three members, who shall have power also to act jointly with the same committee of the House of Representatives.

A Committee on Printing, to consist of three members, to whom shall be referred every question on the printing of documents, reports, or other matter transmitted by either of the executive departments, and all memorials, petitions, accompanying documents, together with all other matter, the printing of which shall be moved, excepting bills originating in Congress, resolutions offered by any Senator, communications from the legislatures, or conventions lawfully called, of the respective States, and motions to print by order of the standing committees of the Senate; and excepting, also, messages and other communications from the President of the United States, and such reports and communications from the Heads of Departments, as may be made to Congress, or to the Senate, in obedience to law, or in answer to calls from the Senate; and it shall be the duty of such Committee on Printing, to report in every case, in one day, or sooner, if practicable.

And a Committee, consisting of three members, whose duty it shall be to examine all bills, amendments, resolutions, or motions, before they go out of possession of the Senate, and shall deliver the same to the Secretary of the Senate, who shall enter upon the journal that the same have been correctly engrossed.

35. In the appointment of the standing committees, the Senate will proceed by ballot, severally to appoint the [35

chairman of each committee, and then, by one ballot, the other members necessary to complete the same; and a majority of the whole number of votes given, shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature, may, on motion, be referred to such committee.

36] 36. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

37] 37. When nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. Nominations neither approved nor rejected during the session at which they are made, shall not be acted upon at any succeeding session without being again made by the President. When the President of the United States shall meet the Senate in the Senate chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United States. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

38] 38. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information

only; when no motion to reject, ratify, or modify the whole, or any part, shall be received. Its second reading shall be for consideration and on a subsequent day; when it shall be taken up as in committee of the whole, and every one shall be free to move a question on any particular article, in this form: "Will the Senate advise and consent to the ratification of this article?" or to propose amendments thereto, either by inserting or by leaving out words; in which last case, the question shall be, "Shall these words stand as part of the article?" And in every of the said cases, the concurrence of two-thirds of the senators present shall be requisite to decide affirmatively. And when through the whole, the proceedings shall be stated to the house, and questions shall be again severally put thereon for confirmation, or new ones proposed, requiring, in like manner, a concurrence of two-thirds, for whatever is retained or inserted; the votes so confirmed shall, by the house, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case, the question shall be, "Shall these words stand as part of the resolution?" And in both cases, the concurrence of two-thirds shall be requisite to carry the affirmative, as well as on the final question, to advise and consent to the ratification in the form agreed to.

39. All confidential communications, made by the President of the United States to the Senate, shall be by the members thereof kept secret; and all treaties which may [39

be laid before the Senate shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

40] All information or remarks, touching or concerning the character or qualifications of any person nominated by the President to office, shall be kept secret.

41] When acting on confidential or executive business, the Senate shall be cleared of all persons, except the Secretary, the principal or the executive clerk, the sergeant-at-arms and doorkeeper, and the assistant doorkeeper.

42] The legislative proceedings, the executive proceedings, and the confidential legislative proceedings of the Senate, shall be kept in separate and distinct books.

43] The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate; and all nominations approved, or definitively acted on by the Senate, shall be returned by the Secretary, from day to day, as such proceedings may occur; but no further extract from the executive journal shall be furnished, except by special order; and no paper, except original treaties transmitted to the Senate by the President of the United States, or any executive officer, shall be returned or delivered from the office of the Secretary, without an order of the Senate for that purpose.

44] When an amendment to be proposed to the constitution is under consideration, the concurrence of two-thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

45. When any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question, may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes. [45]

46. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon. [46]

47. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting. [47]

48. The following persons, and none others, shall be admitted on the floor of the Senate: members of the House of Representatives, and their Clerk; the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Attorney General, and the Postmaster General; the private secretary of the President, chaplains to Congress, judges of the United States, foreign ministers, and their secretaries; officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct in the service of their country, or who have received medals by a vote of Congress; the governor, for the time being, of any State or Territory of the Union; the ex-governors of the several States; the ex-officers of the Senate; such gentlemen as have been heads of departments, or members of either branch of Congress; persons who, for the time being, belong to the respective State and Territorial legislatures; and persons belonging to such legislatures of foreign governments as are in amity with the United States. [48]



49] 49. The presiding officer of the Senate shall have the regulation of such parts of the Capitol and of its passages, as are or may be set apart for the use of the Senate and its officers.

50] 50. Whenever a claim is presented to the Senate and referred to a committee, and the committee report that the claim ought not to be allowed, and the report be adopted by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimants shall present a memorial for that purpose, stating in what manner the committee have erred in their report, or that new evidence has been discovered since the report, and setting forth the new evidence in the memorial: *Provided*, That this rule shall not extend to any case where an adverse report, not in writing, shall have been made prior to the 25th of January, 1842.

51] 51. Any officer or member of the Senate convicted of disclosing for publication any written or printed matter directed by the Senate to be held in confidence, shall be liable, if an officer, to dismissal from the service of the Senate, and, in the case of a member, to suffer expulsion from the body.

# JOINT RULES AND ORDERS

OF

## THE TWO HOUSES.

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1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet in the conference chamber, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon. [1]

2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent. [2]

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate. [3]

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper. [4]

5] 5. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

6] 6. After a bill shall have passed both Houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

7] 7. When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

8] 8. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Senate.

9] 9. After a bill shall have been thus signed in each House, it shall be presented, by the said committee, to the President of the United States, for his approbation, (it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same did originate,) and shall be entered on the journal of each House. The said committee shall report the day of presentation to the President; which time shall also be carefully entered on the journal of each House.

10. All orders, resolutions, and votes, which are to be presented to the President of the United States, for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in the cases of bills. [10]

11. When the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses. [11]

12. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed. [12]

13. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of ten days, and leave of two-thirds of that House in which it shall be renewed. [13]

14. Each House shall transmit to the other all papers on which any bill or resolution shall be founded. [14]

15. After each House shall have adhered to their disagreement, a bill or resolution shall be lost. [15]

16. No bill that shall have passed one House, shall be sent for concurrence to the other on either of the three last days of the session. [16]

17. No bill or resolution that shall have passed the House of Representatives and the Senate, shall be presented to the President of the United States, for his approbation, on the last day of the session. [17]

18] 18. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

19] 19. No intoxicating liquors shall be offered for sale, or exhibited, within the Capitol, or on the public grounds adjacent thereto.

20] 20. There shall be a Joint Committee on the Library, to consist of three members on the part of the Senate, and three on the part of the House of Representatives, to superintend and direct the expenditure of all moneys appropriated for the Library, and to perform such other duties as are or may be directed by law.

21] 21. After six days from the commencement of a second or subsequent session of Congress, all bills, resolutions, or reports, which originated in either House, and, at the close of the next preceding session, remained undetermined in either House, shall be resumed and acted on in the same manner as if an adjournment had not taken place.

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OF THE

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